

should be postponed to the claims of his separate creditors. And that claim No. 135 was for a balance due to the firm of *Tongue & McPherson*; it was not proved. The auditor also reported, that *James Murray* had filed an assignment for the sum of \$40, part of the dividends on claims No. 1 and 2. And that since the statement of these accounts an additional claim had been filed and stated as No. 137. As the dividend on it was small, \$6 65, the auditor suggested that it should be paid out of the interest received, or to be received by the trustee.

16th July, 1829.—BLAND, Chancellor.—Ordered, that the foregoing statement of the auditor, as to the commissions, expenses, and costs of this suit alone, as therein stated, be confirmed; and the trustee is directed to apply the proceeds accordingly.

After which, on the 15th of March, 1831, the auditor filed another report, in which he said, that at the instance of the solicitor of the complainants he had again examined the proceedings. That fourteen additional claims had been filed, which were stated and numbered from 138 to 151 inclusive. From the copy of the list of debts due to *Thomas Tongue*, deceased, mentioned in the report of the 30th of April, 1829, it appeared, that there were accounts in bar of claims No. 138, 139, 140, 141, and 147. That claim No. 143 was on a note of *Tongue & McPherson*, and should be postponed to the separate creditors of *Tongue*. That the claim No. 21 of *John Collinson* as administrator *de bonis non* of *Thomas Tongue, senior*, had been withdrawn, and in lieu thereof claims had been filed by *John Collinson* and *Ann* his wife, *Harriet Waters*, and *Elizabeth Allen*, as legatees of said *Tongue*, which were stated and numbered 152, 153, and 154. But from the aforesaid copy of the list of debts due to the deceased, it appeared that there were accounts in bar of claims No. 153 and 154.

That claim No. 7 had been withdrawn, and another claim filed, which was stated as No. 155, and is correctly proved. That the account in bar of claim No. 2 was allowed and the objection thereto removed. That claim No. 4 was not proved. The proof offered was a paper purporting to be a copy of a bill obligatory, alleged to have been executed by the deceased, accompanied by the affidavit of the claimant, that the original obligation was lost. It was not usual to require proof of the sealing and delivery of a bill or bond where the bond itself was filed, and was subject to inspection. But in the absence of the original, the auditor was